

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Specification Objections

The Examiner objected to the specification because the title of the invention is not descriptive.

Applicant has amended the title of the invention.

35 U.S.C. § 112 Rejections

Examiner rejected claims 2, 3, 12, and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has canceled claims 2 and 16, and has amended claims 3 and 12.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication 2002/0174025 (hereinafter "Hind").

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Applicant's independent claims of the present application includes limitations not disclosed or taught by the Hind. As a result, applicant's independent claims are not anticipated by the Hind.

In particular, applicant's independent claims 1, 7, 10, 13, 16, 20, 23, and 26 include the limitation, or limitation similar thereto, of a first storage area defines a public storage area with which selected remote devices exchange data in a free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a restricted manner. (Emphasis added.) (Applicant's claim 1.)

The claimed limitation of first storage area defines a public storage area with which selected remote devices exchange data in a free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a restricted manner, is not disclosed nor suggested in Hind. Rather, Hind is limited to disclosing at paragraphs 0032 and 0033 a single storage unit 80 and a customer card 62, wherein the customer card 62 is separate from the shopping cart attach device 50, and is accessed by a customer card reader 55.

As a result, applicant's independent claims are not anticipated by the Hind specification. Furthermore, applicant's remaining claims depend from one of the independent claims and are therefore also not anticipated by the Hind.

Double Patenting

Examiner provisionally rejected claims 1, 10, 11, 15, 31, and 32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 4, 15, 25, 26, and 27 of copending application no. 10/025,266.

Applicant has submitted a terminal disclaimer to overcome the obviousness-type double patenting objection.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

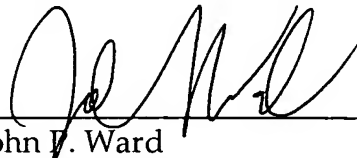
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

3/15/05



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